

this Application was filed. It was asserted that the Second Preliminary Amendment was entered into the '658 application but not into this Application.

Confirming Applicants' undersigned Counsel's telephone conversation with Mr. Sullivan on March 14, 2008, Applicants understand that the First Preliminary Amendment was entered into the '658 application (and removed from this Application), as stated in the Decision on Petition. Applicants respectfully submit that the Second Preliminary Amendment should not have been entered into the '658 application, because it is specifically directed to this Application. E.g., see caption of the attached copy of this document (Appendix A), referencing Application No. 10/529,479.

As is also clear from the record and the USPTO website, a Supplemental Preliminary Amendment Under 37 C.F.R. §1.115 For New Application Under 35 U.S.C. §111(a), filed with the Petition, was entered into the '658 application (Appendix B).

Mr. Sullivan also confirmed that, in spite of the removal of the First Preliminary Amendment, the Application claims priority to other applications as follows:

- a U.S. national phase application of PCT/DK2003/000634, filed September 26, 2003, which claims priority to Denmark Patent Application No. 2002 01430, filed September 26, 2002;
- a continuation-in-part of U.S. patent application 09/546,573, filed April 10, 2000 ("573 application"), now U.S. patent 7,108,983, and a continuation-in-part of U.S. patent application 10/117,030, filed April 8, 2002 ("030 application). The '573 and '030 applications claim priority to Denmark Patent Application No. DK 1999 00476 filed April 9, 1999 ("DK '0476 application").

as set forth in the Application Data Sheet and unexecuted Declaration, both filed on March 28, 2005.

On March 14, 2008 Counsel also discussed this Application with Mr. Leonard Smith, PCT Legal Examiner who granted the Decision on Petition.

Mr. Smith confirmed that the First Preliminary Amendment was removed from this Application and was entered into the '658 Application, consistent with the procedure utilized by the USPTO in matters of this nature. Mr. Smith further confirmed that the

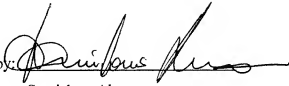
eventual abandonment of this Application will have no effect on the status of Applicants' rights (including, without limitations, rights of priority) and prosecution of the '658 application, e.g., because the '658 application was accorded the March 28, 2005 filing date, and the First Preliminary Amendment was of record in the '658 application as of its filing date.

Miscellaneous

Applicants note that the USPTO charged on December 6, 2007, \$230.00 for a two-month extension of time, the amount for a small entity. Since the status of this Application was changed to a large entity on August 15, 2006, please charge the deficiency of \$230.00 to Deposit Account No. 50-2478.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, including extension of time fees, or credit any overpayment to Deposit Account No. 50-2478.

Respectfully submitted,
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